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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BROOKE WARREN,

Plaintiff,

-against-

RESMED CORP., and APRIA HEALTHCARE  
LLC,

Defendants.

1:21-cv-8531 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff commenced this action by filing a complaint in New York State Supreme Court. [ECF No. 1]. On October 15, 2021, Defendants removed the case to the United States District Court for the Southern District of New York. [ECF No. 1].

On January 12, 2022, Plaintiff filed an Amended Complaint [ECF No. 24], which Defendants moved to partially dismiss [ECF Nos. 25-27]. Defendants' motion was granted in an Opinion and Order dated June 28, 2022. [ECF No. 38]. The Opinion and Order provided, however, that Plaintiff was granted thirty days to file a motion for leave to amend the Amended Complaint. [ECF No. 38]. Plaintiff never filed such a motion, which was due by July 28, 2022.

On September 6, 2022, Plaintiff filed a letter on the docket requesting that the deadline to file the motion for leave to amend the Amended Complaint be extended by 60 days. [ECF No. 39]. On September 7, 2022, this action, which was originally assigned to Judge John F. Keenan, was reassigned to this Court. After reviewing Plaintiff's letter, this Court hereby GRANTS Plaintiff's request for an extension to file a motion for leave to amend the Amended Complaint.

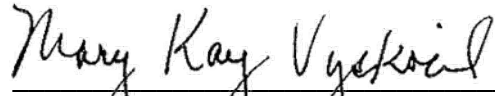
IT IS FURTHER ORDERED that Plaintiff's motion for leave to amend the Amended Complaint is due on or before September 28, 2022. Pursuant to the June 28, 2022 Opinion and Order, such a motion should include (1) a proposed Second Amended Complaint and (2) a

memorandum of law of no more than fifteen pages explaining how the Second Amended Complaint would survive a comparable motion to dismiss brought by the Defendants. The Defendants' opposition brief, which shall not exceed fifteen pages, is due thirty days after the Plaintiff's documents are filed.

IT IS FURTHER ORDERED that counsel for all parties shall appear for a Status Conference on November 2, 2022, at 3:00 PM in Courtroom 18C of the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York.

**SO ORDERED.**

**Date: September 7, 2022**  
**New York, NY**

  
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**MARY KAY VYSKOČIL**  
**United States District Judge**